

Message Text

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TO AMEMBASSY BONN

C O N F I D E N T I A L STATE 141402

FROM EUR BUREAU

E.O. 11652: GDS

TAGS: SHUM, GW, US

SUBJECT: HUMAN RIGHTS: COUNTRY ACTION PLAN FOR THE FRG

1. EMBASSY IS REQUESTED TO EXAMINE FOLLOWING TEXT, WHICH WILL BE FOR USE WITHIN THE USG IN CONJUNCTION WITH INCREASED EMPHASIS BEING PLACED ON HUMAN RIGHTS MATTERS. SINCE THE FRG IS HARDLY AN OFFENDER IN THE FIELD OF HUMAN RIGHTS, THE PAPER SHOULD BE KEPT SHORT. EMBASSY'S CLEARANCE/CHANGE SUGGESTIONS ARE NEEDED IN THE DEPARTMENT ON JUNE 27 TO MEET A JUNE 28 DEADLINE. ACTION PLAN WILL REMAIN CLASSIFIED.

2. BEGIN TEXT:COUNTRY ACTION PLAN - SUBJECT: HUMAN RIGHTS: FEDERAL REPUBLIC OF GERMANY (A) CONDITION OF HUMAN RIGHTS IN THE FEDERAL REPUBLIC OF GERMANY (1) THE FEDERAL REPUBLIC HAS, SINCE ITS FOUNDING IN 1949, BEEN VERY SENSITIVE TO ISSUES INVOLVING HUMAN RIGHTS. TO A SIGNIFICANT DEGREE
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THIS HAS RESULTED FROM THE GERMAN EXPERIENCE DURING 1933-45, AND THE COMMITMENT OF POST-WAR GERMANS NOT TO RELIVE THAT CHAPTER IN THEIR HISTORY. THE BASIC LAW OF THE FEDERAL REPUBLIC IS SIMILAR TO THE CONSTITUTION IN THE UNITED STATES IN THAT INDIVIDUAL RIGHTS ARE FIRMLY PROTECTED. THE GERMAN RECORD SINCE 1949 HAS BEEN EXEMPLARY, AND THERE HAS BEEN LITTLE EVIDENCE OF ANY TORTURE, CRUEL,

INHUMAN OR DEGRADING PUNISHMENT, ARBITRARY ARREST OR

IMPRISONMENT, DENIAL OF FAIR AND PUBLIC TRIAL, OR
INVASION OF PRIVATE HOMES.

(2) WITH REGARD TO RESPECT FOR CIVIL AND POLITICAL LIBERTIES, THE FEDERAL REPUBLIC IS A FREE COUNTRY, WITH NO RESTRICTIONS ON POLITICAL OR RELIGIOUS GROUPS, EXCEPT THOSE WHICH ACTUALLY ENGAGE IN VIOLENCE AGAINST THE PUBLIC ORDER. IN THIS REGARD, THERE ARE LEGAL RESTRICTIONS ON CIVIL SERVICE EMPLOYMENT OF CITIZENS WHO ADVOCATE VIOLENT CHANGES IN GERMAN POLITICAL INSTITUTIONS. THIS LAW IS CONTROVERSIAL AND HAS BEEN ONLY SPARINGLY APPLIED. IT MAY BE MODIFIED IN THE FUTURE. THERE IS FREEDOM OF THE PRESS, MEDIA, PERSONAL MOVEMENT, EMIGRATION, AND THE ESSENTIAL CIVIL LIBERTIES.

(3) THE FEDERAL REPUBLIC PRESENTLY ENJOYS MORE EQUITABLY DISTRIBUTED NATIONAL WEALTH THROUGHOUT ITS POPULATION EVEN THAN THE UNITED STATES. ITS SOCIAL WELFARE SYSTEM--WHICH BEGAN IN THE 1880S--IS HIGHLY DEVELOPED, AND IT HAS MANAGED TO INTEGRATE AS MANY AS THREE MILLION NON-GERMAN FOREIGN WORKERS INTO ITS ECONOMY AND SOCIETY. THESE WORKERS ALL CAME TO GERMANY VOLUNTARILY, AND ARE FREE TO LEAVE WHEN THEY WISH. THERE IS NO CORRUPTION IN THE GERMAN CIVIL SERVICE.

(4) WHEN OCCASIONAL EXCESSES BY GERMAN LAW ENFORCEMENT AGENCIES HAVE TAKEN PLACE--AND THESE HAVE BEEN VERY RARE--
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THE RESULTING OUTCRY BY THE MEDIA AND THE HIGHER LEVELS OF GOVERNMENT HAVE RECTIFIED THE SITUATION. CONCERN WITH PRESERVING HUMAN RIGHTS IS GENUINE SINCE MOST GERMANS REMEMBER WELL THE HITLER PERIOD.

(5) THERE HAVE BEEN OUTSIDE GROUPS--LARGELY JEWISH--WHICH HAVE SURVEYED HUMAN RIGHTS ATTITUDES IN THE FEDERAL REPUBLIC SINCE THE WAR. THE GOVERNMENT DOES NOT APPEAR TO RESENT SUCH MONITORING EFFORTS.

(B) ANALYSIS AND RECOMMENDATIONS: (1) THERE IS NO NEED TO CONSIDER US INITIATIVES DESIGNED TO IMPROVE OR MONITOR CONDITIONS IN THE FEDERAL REPUBLIC. GIVEN THE EXCELLENT GERMAN RECORD, SUCH INITIATIVES WOULD BE MISUNDERSTOOD BY GERMAN OFFICIALS, AND WOULD BE COMPLETELY COUNTERPRODUCTIVE IN VIEW BOTH OF THAT RECORD AND THE POST-WAR DEVELOPMENT OF OUR BILATERAL RELATIONSHIP.

(2) IN GENERAL, GERMAN GOVERNMENT AND PRIVATE GROUPS HAVE

ACCEPTED THE CARTER ADMINISTRATION'S COMMITMENT TO HUMAN RIGHTS, BUT ARE DUBIOUS ABOUT PUBLICLY PROCLAIMING AN OFFICIAL POSITION CRITICAL OF OTHER COUNTRIES' INTERNAL

SITUATIONS. GERMANY IS A DIVIDED COUNTRY, AND BONN HAS BEEN VERY SUCCESSFUL IN CARRYING OUT PROGRAMS RESULTING BOTH IN ALLEVIATION OF CONDITIONS IN EASTERN BLOC COUNTRIES AS WELL AS FACILITATING THE EMIGRATION FROM THOSE COUNTRIES TO THE FEDERAL REPUBLIC OF ETHNIC GERMANS WISHING TO GO THERE. THE MAIN AREA OF CONCERN TO BONN IS EASTERN EUROPE, ALTHOUGH, FOR EXAMPLE, IT HAS ALSO SUPPORTED THE NEW US POLICY TOWARD SOUTHERN AFRICA.

(3) WITHIN THE FEDERAL REPUBLIC, THE ATTITUDE DESCRIBED ABOVE WILL CONTINUE TO BE SAFEGUARDED.

(4) THE FEDERAL REPUBLIC CAN BE EXPECTED TO SUPPORT US
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HUMAN RIGHTS POLICIES IF IT IS FULLY CONSULTED PRIOR TO THE ANNOUNCING OF ANY POLICY ACTION BY WASHINGTON. THE UNIQUE POSITION OF THE GERMANS AS A DIVIDED PEOPLE ENSURES BONN SENSITIVITIES TO HUMAN RIGHTS, BUT ALSO NECESSITATES A DEGREE OF CAUTION ON ITS PART DUE TO ITS CURRENT POLICIES TOWARD EASTERN EUROPE.

(C)CSCE/BELGRADE: THE FEDERAL REPUBLIC HAS CONSULTED CLOSELY WITH THE UNITED STATES ON CSCE MATTERS. BONN FEELS STRONGLY ABOUT THE HELSINKI ACCORDS, ESPECIALLY BASKET III. THIS IS DUE PRIMARILY TO THE ARMED BORDER WHICH RUNS BETWEEN IT AND THE GERMAN DEMOCRATIC REPUBLIC. IN SPITE OF THESE FEELINGS, HOWEVER, THE SCHMIDT GOVERNMENT IS EXPECTED TO TAKE A MODERATE POSITION AT BELGRADE, SINCE IT BELIEVES THAT ITS EASTERN POLICIES ARE ALREADY LEADING TO GREATER ETHNIC GERMAN MIGRATION TO THE WEST. IN VIEW OF THE BASIC GERMAN COMMITMENT TO HUMAN RIGHTS, IT DOES NOT APPEAR NECESSARY FOR THE UNITED STATES TO GO BEYOND ITS PRESENT BILATERAL CONSULTATIVE POLICY WITH BONN FOR THE BELGRADE MEET14G. END TEXT VANCE

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